

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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ATLANTIC STATES INSURANCE COMPANY,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:22-cv-1177
	:	
COPART, INC.,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 30<sup>th</sup> day of June, 2022, upon consideration of Defendant's Motion to Dismiss, ECF No. 8, Plaintiff's response thereto, ECF No. 9, Defendant's reply in support of its motion, ECF No. 10, and for the reasons set forth in this Court's Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's motion, ECF No. 8, is **GRANTED in part and DENIED in part** as follows:
  - a. Plaintiff's claims brought in subrogation, as well as its direct claims for breach of contract (Count I), bailment (Count III), breach of implied contract (Count IV), promissory estoppel (Count V), and conversion (Count VI) are **DISMISSED** without prejudice. Defendant's motion to dismiss these counts is **GRANTED**.
  - b. Plaintiff's claim for negligence (Count II) may proceed as pleaded. Defendant's motion to dismiss this count is **DENIED**.
2. Plaintiff is granted leave to amend its Complaint **no later than July 19, 2022**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge